

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF OHIO
EASTERN DIVISION**

EBONY WHEAT,

Plaintiff,

vs.

**Case No.: 2:17-cv-1100
JUDGE GEORGE C. SMITH
Magistrate Judge Vascura**

STEVEN JACKSON,

Defendant.

ORDER

On March 1, 2018, the United States Magistrate Judge issued a *Report and Recommendation* recommending that this matter be remanded back to the Franklin County Court of Common Pleas due to lack of subject matter jurisdiction. (Doc. 8). The parties were advised of their right to object to the *Report and Recommendation*. This matter is now before the Court on Defendant's Objections to the *Report and Recommendation*. (See Doc. 9). Because Defendant filed objections, the Court reviews *de novo* those portions to which an objection has been made. See 28 U.S.C. § 636(b)(1); Fed. R. Civ. P. 72(b)(3). *De novo* review in these circumstances requires at least a review of the evidence before the magistrate judge; the Court may not act solely on the basis of a magistrate judge's report and recommendation. *Hill v. Duriron Co.*, 656 F.2d 1208, 1215 (6th Cir. 1981).

Defendant objects to the Magistrate Judge's recommendation of remand, arguing that this matter is properly in federal court based on diversity of the parties because he is not a United States citizen. He also continues to argue the same arguments considered by the Magistrate Judge in her *Report and Recommendation*, that the state court should have applied federal law,

including the Social Security Act, and that the state court decision was incorrect.

The Court has considered Defendant's objections and agrees with the well-reasoned decision of the Magistrate Judge that the *Rooker-Feldman* doctrine precludes federal court jurisdiction over this case. Accordingly, the Magistrate Judge has not erred in the decision recommending remanding this case back to state court.

For the reasons stated above, the Magistrate Judge's *Report and Recommendation* is hereby **ADOPTED AND AFFIRMED**. This case is hereby remanded to the Franklin County Court of Common Pleas.

The Clerk shall remove Documents 6, 8, and 9 from the Court's pending motions list and remand this case.

IT IS SO ORDERED.

/s/ George C. Smith
GEORGE C. SMITH, JUDGE
UNITED STATES DISTRICT COURT